IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 12829 of 2000

Between:

A. Viswanarayana, S/o.late Surya Narayana Rao,

R/O 4-1-51, Old Town, Narasaraopet, Guntur District.

....PETITIONER

AND

1. The Government of Andhra Pradesh, rep., by its
Chief Secretary, Secretariat, Hyderabad.

2. District Judge, Guntur.

3. District Treasury Officer, Guntur.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of Mandamus directing the respondents to pay to the petitioner the difference of pension benefits of gratuity, commutation value at 40%, commutation on the pension, difference of encashment of earned leave at credit on retirement and the difference of pension for the period from 01.10.1998 to 31.03.1999 since the monetary benefit on the revised pension was accorded from 01.04.1999 as envisaged in G.O.Ms.No.114 (F & P) dated 11.08.1999, G.O.Ms.No.156 (F & P) dated 16.09.1999, G.O. Ms.No.157 (F& P) dated 16.09.1999 and G.O.Ms.No.158 (F & P) dated 16.09.1999.

Counsel for the Petitioner: Mr.CH.LAXMI NARAYANA

Counsel for Respondent Nos.1 & 3: G.P. FOR FINANCE & PLANNING.

Counsel for Respondent No.2 : MR.C.V.NAGARJUNA REDDY

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Learned counsel for the parties agreed that this writ petition is squarely covered by the decision of a Division Bench of this Court in W.P.No.20755 of 2002 and batch – State Government Pensioners Association, A.P. v. State of A.P. - dated 10th September 2003, holding that pensionary benefits have to be calculated on the basis of deemed pay and the incumbents would be entitled to calculation of leave encashment benefit on the said basis.

In view of the statement that the decision has not been challenged further and has become final, we allow the writ petition in terms of the same directions directing that amount will be calculated and paid to the petitioner herein within a period of three months from the date of receipt of a copy of this order.

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(DEVINDER GUPTA, C.J.)

24th November 2004.

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(M. NARAYANA REDDY, J.)

ARS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this WEDNESDAY the TWENTY FOURTH day of NOVEMBER Two Thousand and Four.

To

1. The Chief Secretary, Government of Andhra Pradesh,
Secretariat, Hyderabad.

2. The District Judge, Guntur.

3. The District Treasury Officer, Guntur.

4. The Legal Cell, High Court of A.P., Hyderabad.

5. The Section Officer, C Section, High Court of A.P., Hyderabad.

6.Two C.Cs. to Govt. Pleader for Finance & Planning, High Court

Bldgs., Hyderabad (OUT).

7.Two CD copies.